

STATE OF MARYLAND
MARYLAND DEPARTMENT OF THE ENVIRONMENT
Robert M. Summers, Ph. D., Secretary

BILL NO: HB 910

COMMITTEE: Environmental Matters

POSITION: Support with Amendment

TITLE: Water Quality Certification – Conowingo Dam – Required Studies

BILL ANALYSIS: House Bill 910 would require the Department to require an applicant for a water quality certificate for the Conowingo Dam to fund:

- a study to determine the impact that the transport of certain sediment behind the Conowingo Dam may have on the Chesapeake Bay;
- a study on the costs and benefits of methods of managing sediment behind the Conowingo Dam;
- a study on the methods of reducing the impact of flooding, before and during weather-related events, on communities; and
- a study on other issues that the Department identifies, based on the conclusions and recommendations contained in the final study report of the Lower Susquehanna River Watershed Assessment being conducted by the U.S. Army Corps of Engineers and the Department of the Environment.

The bill also requires the Department to review and approve a scope of work for these studies, publish the studies on its Web site and hold public hearings on the application for water quality certification and the results of the studies.

POSITION AND RATIONALE: MDE supports HB 910 with the attached amendment.

Section 401 of the Clean Water Act (CWA) establishes the legal framework governing Maryland's review of an applicant's application for a water quality certificate (WQC) necessary to obtain a FERC license to operate the Conowingo dam. In order to obtain a WQC, the applicant must demonstrate that operation of the dam will comply with water quality standards. That is the only condition required of an applicant to obtain a WQC. Although MDE fully expects that this will require the applicant to submit the kind of studies required by HB 910, there is no legal requirement in the CWA for applicants to fund any studies. Consequently, it would be inconsistent with federal law for Maryland to impose as a condition to issuing a WQC that an applicant fund the studies required by HB 910.

Nevertheless, because MDE fully anticipates the need for such studies in order to make its determination regarding the impact of the operation of the dam on water quality, MDE supports the general purpose of HB 910, and supports legislation that authorizes it to consider requiring an applicant to fund such studies.

FOR MORE INFORMATION,
CONTACT JEFF FRETWELL
410-260-6301 ANNAPOLIS
410-537-3812 BALTIMORE

BY: Maryland Department of the Environment

AMENDMENT TO HOUSE BILL 910

AMENDMENT NO. 1

On Page 2, in Line 6, strike “require” and substitute “consider requiring”.